U.S. Department
of Transportation

**Federal Aviation
Administration**

Aviation Safety

Office of Aerospace Medicine
Drug Abatement Division
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AIR TRAFFIC CONTROL TOWER FACILITY

As an air traffic control facility not operated by the FAA or by or under contract to the United States military, you must comply with the following federal drug and alcohol testing code of federal regulations (CFR):

- Title 49 CFR part 40, Procedures for Transportation Drug and Alcohol Testing Programs, which establishes the collection and testing process, and
- Title 14 CFR part 120, Drug and Alcohol Testing Program, which defines who is covered and the types of testing, training, and reporting requirements.

To initiate your testing program, you must register with the FAA's Drug Abatement Division (AAM-800). Once your registration is active, you must implement your FAA-mandated testing program no later than the date you start performing safety-sensitive functions for an employer. A registration sample and instructions are available at the following webpage:
https://www.faa.gov/sites/faa.gov/files/about/office_org/headquarters_offices/avs/RegistrationForm.pdf

When implementing your testing program, you must ensure that all individuals performing air traffic controller duties, directly or by contract (including subcontract at any tier), are subject to testing. For a complete list of the safety-sensitive functions, review 14 CFR §§ 120.105 and 120.215[1].

If you hire a contract employee and rely on the contractor to conduct its own testing under an A449 or program registration, the employee must be working within the scope of employment with the contractor. You are responsible for ensuring your contractors have an active program; therefore, it is a best practice to obtain a copy of the registration. You must ensure that any employees who are performing safety-sensitive functions are subject to the following types of drug and alcohol testing in accordance with 14 CFR §§ 120.109 and 120.217:

- pre-employment,
- reasonable cause/suspicion,
- random,
- post-accident,
- return-to-duty, and
- follow-up.

When developing your FAA-mandated drug and alcohol testing program, you must:

- Conduct a pre-employment drug test and obtain a verified negative pre-employment drug test

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[1] Each employer is responsible for evaluating the duties of its own employees to determine if the work being performed is a safety-sensitive function listed in part 120. Refer to the FAA's Safety-Sensitive Job Categories Guidance Alert (https://www.faa.gov/media/31166) for help.

result prior to hiring any individual or transferring an employee into a safety-sensitive function in accordance with 14 CFR § 120.109(a). Pre-employment alcohol testing is not required, however, may be implemented according to 14 CFR § 120.217(a).

- Check on the drug and alcohol records of employees you intend to use to perform safety-sensitive functions in accordance with 49 CFR § 40.25. An aviation employer release of information form is available at the following webpage:
  https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/forms_and_policies

- Educate and train your employees on the effects and consequences of drug abuse and alcohol misuse, as well as your supervisors who will make determinations of whether reasonable cause/suspicion testing is necessary. More information about the education and training requirements are explained in 14 CFR §§ 120.115 and 120.223. A sample testing policy is available at the following webpage:
  https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/forms/drug_policies

- Ensure your safety-sensitive employees are subject to random testing and have an equal chance of being tested each time selections are made. You must conduct annual random testing at the minimum testing rates determined by the FAA Administrator in accordance with 14 CFR §§ 120.109(b) and 120.217(c). The FAA publishes the annual random testing rates in the Federal Register, and copies are available at the following webpage:
  https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/drug_abatement_regulations

  Guidance and best practices for random testing are available at the following webpages:
  https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/policy/faa
  https://www.transportation.gov/odapc/employer

It is critical to the success of your program and aviation safety that your Designated Employer Representative (DER) review 49 CFR part 40 and 14 CFR part 120 in their entirety. The FAA's website has a DER awareness webpage that includes a video series, compliance brochure, and several posters to use in your facility. Copies of the regulations, additional guidance materials, and many resources are available at http://www.faa.gov/go/drugabatement and https://www.transportation.gov/odapc. We encourage each employer's DER to subscribe to both the FAA and DOT webpages for updates when information becomes available online.

If you have any questions about your federal drug and alcohol testing program, please contact the FAA's Drug Abatement Division directly at (202) 267-8442 or drugabatement@faa.gov.

The Drug Abatement Division strives to provide quality service. We invite you to complete a feedback form at https://www.faa.gov/about/office_org/headquarters_offices/avs/stakeholder_feedback/aam.